

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

***In Re: Ethicon Inc., Pelvic Repair System Products Liability Litigation*
*MDL No. 2327***

Civil Action No. 2:14-cv-14612

AMENDED SHORT FORM COMPLAINT

Come now the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The First Amended Master Complaint in MDL No. 2327 by reference.

Plaintiff(s) further show the court as follows:

1. Female Plaintiff

Eva Osorio

2. Plaintiff's Spouse (if applicable)

Hector N. Guerrero

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

4. State of Residence

Massachusetts

5. District Court and Division in which venue would be proper absent direct filing.

Massachusetts District Court

6. Defendants (Check Defendants against whom Complaint is made):

☒ A. Ethicon, Inc.

☒ B. Ethicon, LLC

- ☒ C. Johnson & Johnson
- ☐ D. American Medical Systems, Inc. (“AMS”)
- ☐ E. Boston Scientific Corporation
- ☐ F. C. R. Bard, Inc. (“Bard”)
- ☐ G. Sofradim Production SAS (“Sofradim”)
- ☐ H. Tissue Science Laboratories Limited (“TSL”)
- ☐ I. Mentor Worldwide LLC
- ☐ J. Coloplast Corp.
- ☐ K. Cook Incorporated
- ☐ L. Cook Biotech, Inc.
- ☐ M. Cook Medical, Inc.

7. Basis of Jurisdiction

- ☒ Diversity of Citizenship
- ☐ Other: _____

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

Ethicon: 1 - 5

B. Other allegations of jurisdiction and venue:

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

- ☐ Prolift
 - ☐ Prolift +M
 - ☐ Gynemesh/Gynemesh PS
 - ☐ Prosima
 - ☒ TVT
 - ☐ TVT-Obturator (TVT-O)
 - ☐ TVT-SECUR (TVT-S)
 - ☐ TVT-Exact
 - ☐ TVT-Abbrevio
 - ☐ Other
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9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products):

- ☐ Prolift
- ☐ Prolift +M
- ☐ Gynemesh/Gynemesh PS
- ☐ Prosima
- ☒ TVT
- ☐ TVT-Obturator (TVT-O)
- ☐ TVT-SECUR (TVT-S)
- ☐ TVT-Exact
- ☐ TVT-Abbrevio

☐ Other

10. Date of Implantation as to Each Product:

February 21, 2008

11. Hospital(s) where Plaintiff was implanted (including City and State):

Brigham & Women's Hospital – Boston, MA

12. Implanting Surgeon(s):

George Flesh, M.D.

13. Counts in the Master Complaint brought by Plaintiff(s):

- ☒ Count I – Negligence
- ☒ Count II – Strict Liability – Manufacturing Defect
- ☒ Count III – Strict Liability – Failure to Warn
- ☒ Count IV – Strict Liability – Defective Product
- ☒ Count V – Strict Liability – Design Defect
- ☒ Count VI – Common Law Fraud
- ☒ Count VII – Fraudulent Concealment
- ☒ Count VIII – Constructive Fraud

- ☒ Count IX – Negligent Misrepresentation
 - ☒ Count X – Negligent Infliction of Emotional Distress
 - ☒ Count XI – Breach of Express Warranty
 - ☒ Count XII – Breach of Implied Warranty
 - ☒ Count XIII – Violation of Consumer Protection Laws
 - ☒ Count XIV – Gross Negligence
 - ☒ Count XV – Unjust Enrichment
 - ☒ Count XVI – Loss of Consortium
 - ☒ Count XVII – Punitive Damages
 - ☒ Count XVIII – Discovery Rule and Tolling
 - ☐ Other Count(s) (Please state factual and legal basis for other claims below):
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Dated: April 18, 2014

JOHNSON BECKER, PLLC

/s/ Lisa A. Gorshe
Lisa A. Gorshe (#29522X)
Michael K. Johnson (#258696)
Timothy J. Becker (#256663)
33 South Sixth Street, Suite 4530
Minneapolis, Minnesota 55402
Phone: (612) 436-1800
Fax: (612) 436-1801
Email: lgorshe@johnsonbecker.com
Email: mjohnson@johnsonbecker.com
Email: tbecker@johnsonbecker.com

Counsel for Plaintiff